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## SUMMARY OF PROPOSED LEGISLATION

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### **ISSUE: ADVERSE POSSESSION OF RR RIGHT-OF-WAY CLARIFICATION**

**Section 1** of the draft amends **G.S. 1-44** to provide that RR right-of-way shall not be presumed to have been conveyed by acts constituting estoppel or waiver.

### **ISSUE: PRESUMPTION OF ABANDONMENT OF RAIL CORRIDOR**

**Section 2** of the draft amends **G.S. 1-44.1** to provide that on or after January 1, 2010, a RR shall not be presumed to have abandoned a right-of-way that it holds by easement unless the RR first records a certificate of abandonment in the office of the Register of Deeds for the county where the right-of-way is located. This section also provides that a RR shall not be found to have abandoned a right-of-way held in fee.

### **ISSUE: TIME LIMITS FOR CERTAIN ACTIONS AGAINST A RR**

**Section 3** of the draft amends **G.S. 1-51**, to provide that no suit may be brought against a RR for use or occupancy of lands by a RR, or for damages caused by construction of a RR, unless the suit is brought within two years.

### **ISSUE: PROCEDURE FOR PROPERTY OWNER SUBJECT TO RR TAKING**

**Section 4** of the draft amends **G.S. 40A-51(a)** to clarify the applicable statutory procedure for a property owner subject to a taking by a RR to use to file suit for damages, where no declaration of taking has been filed by the RR.

### **ISSUE: CLARIFICATION OF RR RESPONSIBILITIES WHEN CROSSING ROADS**

**Section 5** of the draft amends **G.S. 136-192**, to clarify that the responsibilities of a RR set out in this statute when crossing a road apply to lawfully established public roads.

### **ISSUE: RAIL CROSSINGS AND CATTLE GUARDS ON ENCLOSED LANDS**

**Section 6** of the draft repeals **G.S. 136-194**, which requires RRs to maintain crossings and cattle guards on enclosed lands.